



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,842	07/14/2003	Stefano Fioriti	163-494	4345

7590 09/07/2004

James V. Costigan, Esq.
Hedman & Costigan, P.C.
Suite 2003
1185 Avenue of the Americas
New York, NY 10036-2646

EXAMINER

COCKS, JOSIAH C

ART UNIT PAPER NUMBER

3749

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,842

Applicant(s)

FIORITI ET AL.

Examiner

Josiah Cocks

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings filed on 7/14/2003 are accepted by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the mains" in line 12. There is insufficient antecedent basis for this limitation in the claim. Applicant has not previously identified a "mains". For the purpose of an examination on the merits this limitation has been regarded as simply stating a connection to the motor.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,084,947 to Ear ("*Ear*") in view of U.S. Patent No. 5,690,093 to Schrank et al. ("*Schrank et al.*").

Ear discloses an invention similar to that disclosed in applicant's claims 1-6. In particular, *Ear* discloses a remote control system for a motor (20) for an extractor fan (18) where the motor is a separate casing from the fan and is mounted on the roof of a building (see col. 2, lines 61-64 and Fig. 1). *Ear* also shows a delivery duct (19) connected to the fan (see Fig. 2), at least one protective cover (55) for the casings, and the motor is suitably supported (see Fig. 4).

In regard to the recitation of interchangeable "motor groups," the examiner considers the recitation of a motor (20) in *Ear* constitutes the "motor claims" as claimed. Further, because the motor (20) is shown in a separate casing from the fan (18) the examiner considers that this motor would be interchangeable.

The recitations of claims 2 and 6 that the casing "foresees" the use of a fitting, duct, protective cover, and non-return valve, and that the mounting of high, medium and low suction

Art Unit: 3749

power motor groups is "foreseen" are not considered to be a positive recitation of these structures. As far as is proper, the examiner considers that the casing of *Ear* is capable of "foreseeing" the use of these structures.

Ear shows that the motor and fan are mechanically connected (see Fig. 4) and possibly does not show an electrical connection or multiple connection blocks.

Schrunk et al. teaches a remote control system for range hoods in the same field of endeavor as *Ear*. In *Schrunk et al.*, a fan is electrically coupled to a motor through multiple connection blocks (30, 25) and provides a plurality of fan speeds (see Fig. 2).

Therefore, in regard to claims 1-6, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of *Ear* to incorporate the electrically coupling taught in *Schrunk et al.* as this coupling structure provides controlling fan speed while providing a range hood appearance that is sleek and modern (see *Schrunk et al.*, col. 1, lines 64-67).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ear* in view of *Schrunk et al.* as applied to claim 6 above, and further in view of U.S. Patent No. 5,027,790 to Chern ("*Chern*").

Ear in view of *Schrunk et al.* teach all the limitations of claim 7 except possibly that the motor groups includes at least one exhaust fan.

Chern teaches a range hood in the same field of endeavor as *Ear* wherein multiple motors (51) includes exhaust fans (5).

Art Unit: 3749

Therefore, in regard to claim 7, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the motor of *Ear* to incorporate the exhaust fan of *Chern* for the purpose of exhausting fumes from the hood.

Conclusion

8. This action is made non-final. A THREE month shortened statutory period for reply has been set. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) months from the mailing date of this communication.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 3,585,920, No. 4,702,153, and No. 4,903,685, Swiss Patent No. 678224, and Japanese Patent No. 8-475 are included to further show the state of the art concerning range hood structures.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached at (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3749

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc
September 2, 2004



JOSIAH COCKS
PRIMARY EXAMINER
ART UNIT 3749